# The Law of Popular Councils
# No.25-1995

## Introduction

The President of the Republic issued, on the twentieth of December 1995, the law of the Local Popular Councils No.25-1995 which was adopted by the National Assembly and agreed upon by the Revolution Command Council.

This law was issued in response to the requirements of the new historical stage represented by dilating the base of public association via the representatives of people to participate in exercising the authority on the local aspect, embodying the principle of governing people by people.

In pursuance of this law, a local popular council was established. It has its own body corporate in every region, district and governorate. It consists of elected members, whose number is double the number of the permanent members, who are the employees concerned with the general services in the administrative unit to work together with a responsible manner through dialogue, interaction and opinions and expertise exchange for the purpose of raising the level of these services and insuring the interests of people and their security in a frame that achieves coordination and integration between different official authorities involved with these services, and the elected representatives of people.

The law included detailed provisions concerned with the election of the members of the local popular councils and the way of doing it. The law specified the responsibilities of these councils in the municipal, social, religious, cultural, educational, youth, security, economic and financial aspects and the course of their work. In view of the particularity of Baghdad province, this law specified for each special provisions that regulate the work of the popular councils in it.

The procedures and the prerequisites, that this new organization of the local councils require, need the preparation and readiness for them before sufficient time. This led the legislator to issue the order of executing the law after sixty days from the date of its being published in newspapers. The law falls into six parts and includes (102) items.

It is worth noting that the Local Popular Councils of the elected majority will replace, when formed, the municipal councils and the present popular councils.

The Local Popular Councils come, as a developed step on the way of the democratic construction that is crowned on the fifteenth of September, the day on which Iraqis expressed their firm hold to their principles and loyalty to the president Saddam Hussein, the engineer of this law and the pioneer of its thought and principles.

In The Name of Allah, the Compassionate, the Merciful

# The Public of Iraq
# In the name of people
# The presidency of The Republic

In pursuance of what The National Assembly had adopted, and what The Revolution Command Council agreed upon, and relying upon the provisions of the item No.53 of the constitution, we issued the following order:

## Order No. (25)-1995
## The Law of the Local Popular Councils
### First Part
### The Establishment and Formation of the councils
### First Chapter
### The Establishment of Councils

Article-1-

Each area, district, and province has a local popular council of a body corporate. Its headquarter is at the center of the administrative unit.

Article-2-

First- The Local Popular Council consists of permanent members, by virtue of their position, and elected members whose number is double the number of the permanent members.

Second-The president of the Republic can nominate a permanent member in the Local Popular Council and he also can add permanent members in it representing authorities other than those mentioned in the article (7) of this law.

Third- The Cabinet of Ministers can nominate a permanent member in the Local Popular Council of an area and a district and it can add permanent members in them representing authorities other than those mentioned in the items (4, 5) of this law.

Article-3-

First- The ministry concerned and mentioned in this law nominates its representative in the Local Popular Council on condition that he/she should be among the heads of the ministry's branches of offices.

Second- If the ministry has no branch in the center of the administrative unit it can nominate its representative in a council from among its employees at that unit, on condition that he should be one of the specialists in the affairs that the council is concerned with.

## Second Chapter
## Membership in Councils

Article-4-

The permanent members in the Local Popular Councils of an area are:

(1) Administer of area.
(2) Manager of area municipality.
(3) Police officer of area.
(4) The representative of the Ministry of Health.
(5) The representative of the Ministry of Health.
(6) The representative of the Ministry of Agriculture.
(7) The representative of the Ministry of Irrigation.
(8) The representative of the Ministry of Transport and Communication.
(9) The official of the electricity office in the area.
(10) The official of water and sewage in the area.

Article-5-

The permanent members in the Local Popular Council of a district are as follows:

(1) Commissioner.
(2) Manager of district municipality
(3) Chief of police in a district.
(4) The representative of the Ministry of Education.
(5) The representative of the Ministry of Health.
(6) The representative of the ministry of Transport and Communication.
(7) The official of the agriculture office in a district.
(8) The official of the irrigation office in a district.
(9) The official of the electricity office in a district.
(10) The official of water and sewage in a district.

Article-6-

The ministries of Agriculture and Irrigation will have no representatives in the Local Popular Councils of the area and district respectively if there is not any agricultural activity.

Article-7-

The permanent members in the Local Popular Council of the governorate are as follows:

(1) Governor
(2) Governor Deputy
(3) Governor Assistant
(4) Chief of police in the governorate
(5) Mayer of the governorate
(6) Director General of Education in the governorate
(7) Director General of Health in the governorate
(8) Director General of Agriculture in the governorate
(9) Director of Irrigation in the governorate
(10) A representative of the Ministry of Higher Education and Scientific Research
(11) A representative of the Ministry of Transport and Communication
(12) A representative of the Ministry of Finance
(13) A representative of the Ministry of Trade
(14) representative of the Ministry of Labor and Social Affairs
(15) A representative of the Ministry of Religious Affairs
(16) A representative of the Ministry of Culture and Information (cultural, arts and heritage affairs)
(17) A representative of The Public Commission of Tourism
(18) Manager of electricity distribution in the governorate
(19) Manager of water and sewage in the governorate
(20) Manager of roads and bridges in the governorate

Article-8-

The selection of the elected members is conducted in the Local Popular councils by the general secret direct ballot.

Article-9-

It is not possible to have a membership in two local popular councils.

Article-10-

The membership of the elected member in the Local Popular Council expires in one of the following cases:

(1) At the expiration of the council period or when the council is dissolved.
(2) The resignation of the member, coupled with the approval of the majority of the council members, and the membership will be expired from the date of getting the approval.
(3) Lack of one of nomination conditions to the membership of the council.
(4) When the member joins an occupation or a job out side the governorate for at least six months.
(5) The member's absence to four successive sessions of the council without a legitimate excuse.
(6) The inability of the member to exercise his duties for compelling causes that prevent him from attending the sessions of the council for the next six months.

## Second Part
## Elections in the Councils

### First Chapter

### The Conditions of the voter and the Nominee

Article-11-

Every Iraqi man and woman can be voter and a nominee to the membership of the popular council if he/she has the conditions mentioned in this law.

Article-12-

The voter is conditioned to be:

(1) Iraqi citizen
(2) 18 years old
(3) living in the administrative unit regularly

Article-13-

The nominee is conditioned to be:
(1) Iraqi, from Iraqi parents in birth or from Iraqi father in birth and an Arab mother in birth.
(2) Competent and completed 25 years old.
(3) Unmarried to a foreigner.
(4) A believer in God, the basic principles of the constitution and the great 17-30 July revolution.
5- Not convicted for a dishonorable crime.
6-Having a primary school certificate or popular school certificate.
7-Not one of the military personnel or one of the internal security employees still in service.
8-Having a sound status toward the military service.

## Second Chapter

## Nomination

Article-14-

The regular resident in the area can nominate for the membership of the area, district or the governorate council. The resident in the center of the district can nominate for the membership of the district council or governorate council. The resident in the center of the governorate can nominate for the membership of the district council of the center or the governorate council, and nomination can not be for more than one council.

Article-15-

The request of nomination, corroborated by the documents of having the conditions of nomination mentioned in the items (1, 2, 6, 8) of the article (13) of this law, is submitted, during 20 days from the date of issuing the Cabinet of Ministers' resolution related to specifying the date of elections, to the head of the administrative unit to which the nominee is willing to nominate for the membership of its council. It is sufficient for the nominee to vouch for the head for having other nomination conditions.

Article-16-

(1) The head of the administrative unit is to notify the nominee of his request admission during 72 hours from the date of addressing the request. If the request was denied because the documents, mentioned in the article (15) of this law, were not introduced the head of the administrative unit should take a reasoned decision during 72 hours and then inform the nominee of this during 24 hours from the date of making the decision. The nominee can appeal against this decision, during 72 hours from the date of being informed, at the supervising-elections committee of the Local Popular Council.
(2) The administrative committee, supervising the elections of the Local Popular Council in the administrative unit, is to take a decision about the appeal during 7 days from the date of submission and the decision of the committee will be conclusive. The committee should inform the head of the administrative unit and the nominee this decision.

Article-17

The heads of the administrative units send all the requests of nomination, with all their notes attached, to the supervising-election committee of the Local Popular Councils in the governorate.

Article-18-

(1) The election- supervising committee of the Local Popular Councils in the governorate assigns the names of nominees to the membership of the councils and to the committee. When convinced that any one of the nominees lacks the conditions of the nomination, the committee can expunge his name from the list of nominees and it will inform him in written during 72 hours from the moment of taking the decision.
(2) Whose name was expunged from the list of the nominees pursuant to the item (1) of this article, has the right to object at the Higher Supervising Election-Committee of the Local Popular Council during (72) hours from the moment of expunging his name. The decision of the higher committee will be conclusive, and both the election supervising committee in the governorate and the nominee will be informed in written.
(3) The nominees are informed of their nomination admission via different media means and it will be announced on a board especially designed for this purpose in every election center before 20 days from the date of setting out elections.

## Third Chapter

## The Date of Election

Article -19-

The date of elections are assigned by a decision made by the Cabinet of Ministers and will be announced to the citizens on all different media means sixty days before the fixed date of their occurrence.

Article-20-

If the period of the council is finished or the council is dissolved a decision is issued by the Cabinet of Ministers, during 20 days from the date of time expiration or the date of dissolution, in which a date is fixed to carry out elections according to the provisions of the law.

Article-21-

The elections for the Local Popular Councils are carried out in two successive days. The first day is earmarked for the elections of the local popular councils in areas and districts, and the second day is earmarked for the elections of the Local Popular Councils in governorates and the Local Popular Council of Baghdad city.

Article-22-

The running off elections are carried out once a year to fill the memberships that vacate in the council or to select elected members when adding new permanent members according to the article (2) of this law, by the way mentioned in this law on condition that the remaining period for the council should not be less than one year and the date of elections is fixed by a decision made by the cabinet of ministers.

## Fourth Chapter

## The Election Committees

Article-23-

(1) A higher supervising committee is formed, by a decision from the Cabinet of Ministers, to oversee the elections of the Local Popular Councils headed by the Minister of Interior and the membership of two members appointed by the Cabinet of Ministers and a representative of each, the Ministry of Justice and the Presidency of the Executive office for Kurdistan Autonomy region.
(2) The higher committee forms supervising committees in governorates to oversee the course of elections. These committees are headed by a judge of no less than a second class, chosen by the Minister of Justice, and a member appointed by the Cabinet of Ministers, a representative of the Ministry of Interior and a representative of the Presidency of the Executive office in the committees overseeing the course of elections in the governorates of Autonomy.

Article-24-

The commission, supervising the elections of the Local Popular Councils in provinces, forms electoral committees to supervise the course of elections in the administrative units. These administrative units are headed by a judge, a member of the public prosecution or an employee holding a university certificate in law chosen

by the Minister of Justice from among his employees in his ministry or other ministries and a member appointed or authorized by the Minister of Interior and a representative of the presidency of the Executive Council in the province of autonomy region.

Article-25-

The commission, supervising the elections of the local popular council in each administrative unit, forms electoral committees supervising the course of elections in the election centers, headed by a representative of the Ministry of Justice, chosen by the head of the appealing area and the membership of a representative of the Ministry of Interior and five members of the voters who have the conditions of the candidature for the membership of the local councils and who are chosen by the candidates of the membership of the council.

## Chapter Five

## The Lists of electors

Article-26-

In every administrative unit a list of the people of eighteen years old is prepared and distributed to the election centers and arranged according to the alphabetical order, containing the addresses, the date and the place of their birth. This list is sent, in many copies, to the commission supervising the election of the local council in the administrative unit.

Article-27-

The commission, supervising the election of the local council in the administrative unit, undertakes the distribution of the lists among the election centers to be announced to the people, by writing them on boards prepared for this purpose, before at least 21 days from the date of election, and these lists are stamped by the seal of the supervising commission of the election after appointing the date of the announcement.

Article-28-

(1) Every citizen that has the conditions of the election, and whose name was not mentioned in the election list, can request to register his name. Each voter, whose name is mentioned in the list, can request to register the name of any other citizen, whose name was not registered before, without any legal cause, or

omit any name registered illegally, within 25 dates from the date of announcement of the election list.

(2) The request is submitted to the supervising commission of the election to interview, within no more than 72 hours from the date of submission, and the decision made will be absolute.

Article-29-

The identity card or any official document, specified in instructions by the higher commission to recognize the voters whose names are registered in every list of every electoral center, will be valid to know the voters whose names are registered in the list of each electing centers.

## Chapter Six

## Voting

Article-30-

The head and the members of the election committee in the election center take the following oath in front of the committee, supervising the elections, in the administrative unit before practicing their responsibilities:
((I swear by Almighty God, my dignity and my belief to achieve my work sincerely, honestly, fairly and impartially, and according to the law)).

Article-31-

(1) In the selection of voters, opinions are written on the card of election whose its form, specifications and the way of filling it is determined by a statement issued by the higher commission.

(2) The voter, who can not write, can ask anyone to write on the election card instead of him.

Article-32-

The higher commission specifies by instructions the form, the size, the properties, and the way of closing and opening the ballot box.

Article-33-

The supervising commission of the election in the administrative units prints the election cards and prepares the ballot boxes according to the instructions issued by the higher commission.

Article-34-

The head of the election committee in the election center is responsible for keeping order and he can take up any necessary measures to guarantee the course and the safety of elections. The internal security forces can enter the election centers by virtue of a request addressed by the head of the election committee.

Article-35-

The election committee decides any complain submitted to it regarding the election operation by reasoned and documented decision in special minute.

Article-36-

(1) The election process starts at 0800 and finishes at 2000.
(2) The higher commission, if necessary, can specify by a statement other appointments, not exceeding the hours specified for the elections.

Article-37-

(1) the head of the election committee announces the end of the process of voting when the time specified for election is over. This procedure is documented in the election minute.
(2) The head of the election committee opens the ballot box in the election centers and the committee sets out the process of counting votes in front of voters.
(3) The election committee documents the results of counting votes division in the election minute on condition that including the following:
    a. The number of voters.
    b. The number of the valid cards.
    c. The number of the null cards.
    d. The number of votes each candidate gets according to his gradation of gaining these votes.
(4) The head of the election committee reads the minute of election in public, and then he and the rest of the members of the committee sign it.
(5) The head of the election committee places the election minute, with all election cards and other documents, in closed envelope and seal it by the red wax, and consign it to the supervising commission of the elections in the administrative unit.

Article-38-

The following cards are considered null:

(1) The cards which are not sealed by the stamp of the election committees.
(2) The cards which are void of any reference to any candidate.

Article-39-

The supervising commission of the elections in the administrative units announces the results of the elections and arranges a minute signed by it to be submitted to the supervising commission of the elections in the province with election cards and the other documents concerning elections.

Article-40-

The person, who gets the majority of votes subsequently within the limits of the number of the members, specified for the administrative unit, will win the membership of the council. If other candidates got as equal number of votes as the last one the process of election would be repeated for those whose number of votes were equal after 7 days from the date of announcing the results.

## Chapter Seven

## Electoral Propaganda

Article-41-

The electoral propaganda is free according to the law's limits.

Article-42-

The higher commission specifies the instructions of the means and the methods of the electoral propaganda and the way of using them by the candidates.

Article-43-

(1) the state assumes the expenditures and the costs of the electoral propaganda equally among the candidates.

(2) If the candidate did not get (100) votes out of the electors' votes, he would have to pay half of the expenditures and the costs spent for him.

Article-44-

The electoral propaganda starts from the day following the announcement of the candidates' names and ends before 24 hours from the beginning of the election process.

Article-45-

(1) Each candidate for the membership of the local popular council who received sums of money from any local side to affect, on purpose, the results of elections, his name would be deleted from the candidates' list and put in jail.
(2) Each candidate for the membership of the internal popular council who received amounts of money from any external side to affect on purpose the results of the elections, his name would be omitted from the candidates' list and punished by the penalty indicated in the article no. 156 of the penal law.

## Part Three
## The Specialty of Councils

### Chapter One
### The specialties of councils in districts and sub- districts

Article-46-

The local popular council takes the initiative and participates in uplifting the level of the services in the administrative unit by the means that insure these matters according to the laws and regulations.

Article-47-

In the field of the municipal affairs, the local popular council takes up the following authorities in away that does not contradict with the valid laws :
(1) Preparing a basic design for the city including the uses of the land, dividing it into housing quarters and allocating the lands, with their different kinds, for the general purposes, including the places of worship, streets, gardens, schools, hospitals, other health institutions, playgrounds and parking places.
(2) Deciding on opening, naming, expanding, coating and planting the roads.
(3) Specifying the straightness and the capacity of the roads between the estates whose owners intend to divide them.

(4) Arranging the way of occupying the sidewalks and empty estates that belong to the municipality, by the hucksters, storekeepers and temporary markets.
(5) Deciding on setting up and expanding the gardens and public parks.
(6) Deciding on pulling down the buildings which are about to collapse.
(7) Deciding on setting up garages and public parking stations.
(8) Deciding on building public markets of different kinds and the auction shops.
(9) Specifying the areas assigned for the industrial purposes such as factories, blacksmith shops, plumbers and others, and specifying the conditions that should be available in each.
(10) Forcing the lands owners to remove the trash and debris out of their lands to keep them clean, obliging them to fence lands according to a report from the health authority or the municipality, and in the case of their reluctance, the council can decide to make the municipality achieve that and fine the owners the costs by the legal procedures
(11) Granting the license of the public shops, issuing the orders of inspecting and monitoring them, and compelling the owners to undertake the necessary procedures to guarantee the public welfare and public health.
(12) Specifying the places of factories and works which can be a source of danger, worry or nuisance for the people, because of what comes out from them such as gases, fumes or dust.
(13) Monitoring the sites and the activities which conduce to the environmental pollution and submitting the necessary recommendations to the competent authorities to preserve the cleanliness of surroundings.
(14) Deciding to suspend, change or pull down any building that has already been started with or achieved, apart from the legal provisions.
(15) Deciding on selling, leasing the movable and immovable funds that belong to the municipality and possessing these funds according to the law.
(16) Authorizing the manager of municipality some authorities to fulfill the municipal affairs.

Article-48-

The local popular council, in the religious and social aspects, works on the following:
(1) Organizing the social activities to achieve the social symbiosis.
(2) Urging the people to uphold the alms fund.
(3) Submitting the proposals to maintain the holy mosques, religious tombs, religious sites, churches, worship houses and the graves.
(4) Taking care of the families of the martyrs, captures and the missing, and making contacts with them to support and help them out.
(5) Contributing to the family care, childhood, the handicapped and orphanages, and providing job opportunities for the citizens.
(6) Submitting the proposals to establish the centers of taking care of motherhood and childhood, and setting up health institutions such as health centers and hospitals.

Article -49-

The local popular council, in the educational, cultural and youth aspects, works on the following:

(1) Proposing to establish and supply the nursery schools, kindergartens and schools, of their different stages: primary, secondary and vocational schools, with their dormitories, except what is concerned with the technical affairs.
(2) Proposing to establish and supply the public libraries, public halls, galleries of the plastic arts and theatres.
(3) Proposing the means of care over the antiquities and folklore buildings, and informing the competent authorities about the procedures and the illegal conducts violating the legislations concerned.
(4) Proposing to establish the stadiums, public swimming pools and youth centers in accordance with the state's plan.
(5) Taking care of the youth, regulating the use of their leisure time, urging them to take firm hold of good ethics and to perform their national duties, and associating with the public services and campaigns for the benefit of the society.

Article -50-

The local popular council, in the aspect of maintaining the social traditions and general conducts, practices the following authorities:

(1) Approving or disapproving of granting the licenses to the clubs, restaurants, night clubs, and other stores of recreational activities, with stating the legal reasons concerned.
    i. Closing any places mentioned above in the item (1) by a reasoned decision, if the existence of this place negatively affects the general ethics and people's welfare.
(2) Monitoring the sale and circulation of the material related to the public ethics and informing the competent authorities to take up the required procedures, according to the law.
(3) Deporting the person, who proves to practice the prostitution, by a judicial definitive judgment, out of the administrative unit after spending the period of incarceration. The council can deport his family out of the administrative unit after the judgment gets the definitive degree.
    i. If any person or his family was deported, according to the item (1) of this article, to other administrative unit in the province or out of it, this administrative unit has to accept the deportees and monitor their conduct during one year from the date of deportation, and the council can decide, after this period, to let them stay or deport them to another administrative unit.
    ii. If it was evident to the council that a person's or a family's behavior conflicts with the norms and traditions of the society, the council would direct them to the good behavior, and if they

did not respond to the direction, the council would decide to send them a written warning and if they did not respond to the warning, the council would send them another written warning, and if they insisted on their behavior, the council would adopt a decision, with the majority of the two thirds of its members, to announce that this person's or this family's behavior contradicts with the norms and ethics in the society.

Article -51-

The local popular council helps the police and the security agencies in the administrative unit to guarantee the stability, the local and national security and protection of the people's properties, as participating in informing about the crimes and the dangerous phenomena and securing the guard of the shops and housing quarters, by specified conditions and instructions and preventing the noise and participating in traffic enlightenment and regulating the traffic of the pedestrians according to the laws.

Article -52-

The local popular council undertakes the required measures, according to the law of protecting the public funds and properties, against the overuse and abuse.

Article -53-

The local popular council practices, in the economic field, the following authorities:

(1) Supervising the bakeries, grinders and the selling shops.
(2) Nominating the agencies of the institutions of the socialist sector and distributing them within the administrative unit.
(3) Helping the administrative competent authorities monitor the prices, urging people to abide by the prices, and uncovering the violators.
(4) Helping the administrative competent authorities resist any kind of economic sabotage.
(5) Helping the administrative authority enforce the laws and instructions related to the goods and other things that the competent authorities decide to bar circulating them for social and economic reasons.
(6) Carrying out the procedures and measures conducing to the development of the agricultural and animal production, insuring the national needs by increasing the agricultural area and the animal wealth, and improving the quality and quantity of the production.
(7) Coordinating the efforts with the competent authorities in the Ministry of Agriculture and the Ministry of Irrigation to insure the application of justice in distributing water for agricultural purposes, using water by accurate and

practical methods, preventing the waste of water, maintaining the fertility of soil and avoiding the practices of flooding the lands with water in away that increases salinity.

Article -54-

The popular council undertakes the following:

(1) Monitoring the achievement of state projects allocated to the services of the administrative unit and the projects that the council decides to establish them in the administrative unit and informing the competent authorities about the course of the work.
(2) Inviting any employee in the administrative unit to discuss and to exchange ideas about the issues submitted to the council and related to his specialization.

Article -55-

The local popular council, as necessary, forms permanent or temporary committees, in the villages that belong to the sub district, from among their residents, to supervise the tasks and services specified by the council.

## Chapter Two

## The Specialties of the Councils in the Provinces

Article -56-

The local popular council in the governorate undertakes the following:

(1) Supervising the course of the local popular councils' work in the sub districts and districts that belong to the province.
(2) Refuting the decisions and suspending the procedures adopted by the local popular councils in the sub districts and districts that belong to the province if these decisions contradict with the valid legislations or the policy of the central state or the province's interest which does not contradict with the common weal.
(3) Practicing any one of the specialties of the local popular councils in the sub districts and districts of the province, if it was found that the results of the council's practicing or none practicing these specialties will result in damage to the administrative unit's interest.

Article -57-

The local popular council undertakes the following:

(1) Participating in proposing and deciding the plan of the housing and reconstruction in the province and following up its execution.
(2) Monitoring the achievement of the state projects allocated to the province's services, in coordination with the competent authorities, and providing these authorities with its remarks about the course of work at these projects.
(3) Inviting any employee in the province to discuss and to exchange ideas about the issues submitted to the council and related to his specialization.

Article -58-

The local popular council in the governorate works on the following:

(1) Attaching an importance to culture and arts in away that leads to cultivating the cultural and artistic levels in the governorate.
(2) Caring for the heritage of the governorate, its history and its national role, and undertake the necessary measures to interdict passing over these antiques in pursuance of the law.

Article-59-

The local popular council in the governorate gives its opinion about the candidates, for the elections of the National Assembly and the Legislative Office in the Autonomy region, according to a request addressed by the higher committee overseeing the elections of the National Assembly.

## Third Chapter

## Councils Specializations in Financial Matters

Article-60-

(1) The local Popular Council in the area and district proposes the annual investment plan for the administrative unit and refer it to the local popular council of the governorate. This council assembles the projects of the investment plans of the administrative units, belonging to the governorate, reviews and unifies them in an investment plan for the governorate.
(2) The local popular council in the area and district studies and suggests what is allotted in the current budgets for the offices involved in public services and refer it to the local popular council of the governorate to review and consign it

to the competent authorities to consider them when preparing the estimations of the budget, according to the law and instructions.

(3) The local popular council in the sub district and district undertakes proposing the project of the investment plan and the balance project of the of the municipality of the administrative unit, to be submitted to the local popular council in the governorate to review, adopt and unify in an annual plan and a unified balance for the municipalities of the governorate.

Article-61-

(1) The governor submits the project of the investment plan of the governorate and the projects of the investment plan and the unified balance of the municipalities of the governorate to the Ministry of Interior, appended by his remarks and the recommendations of the local popular council of the governorate.
(2) Ministry of Interior consigns the unified balances for the municipalities of the governorates, to the Ministry of Finance, to study them and specifies the annual grant to be listed within the general balance of the state.
(3) Ministry of Interior consigns the unified investment plans of the governorates and the annual plans of the municipalities, to the committee of planning to study and to review them.

Article-62-

(1) The local popular council urges the citizens of the administrative unit to collect and offer monetary donations or in kind grants to set out a project that may help the administrative unit, and register the amounts of money collected in an independent account within the balance of the municipality. It is not possible to expend these amounts of money on a purpose other than the purpose for which the donations were collected, considering the provisions of the enactments in action.
(2) If the local poplar council saved 50%of the costs of setting out a new project that falls within its aspects mentioned in this law, the state would commit to insure the other 50% of the costs, if this does not run counter the state policy.

Article-63-

(1) The popular council, for the sake of improving the services offered to the citizens of the administrative unit, is to decide the facets of the amount expenditure ensued from the following sources:
    a. The outcome of selling and investing the moveable and immoveable funds owned by the municipality, and other facilities that it administers.

b. The outcome of exhibitions, celebrations and other activities that the council organizes, to register in an independent account within the balance of the municipality.
c. The wills and the bequests of people who have no issues, with considering the provisions of the under-age caring law numbered (78) - 19980.

(2) The popular council can decide the investment of some revenues of the municipality to create investing projects, with productive nature, in the administrative unit.

Article-64-

The local popular council is entitled to give the local administration and municipalities in the administrative unit, the approval to conclude loans so that they can fund their activities for the purposes of the local and municipality services specified lawfully, and these contracts can not be concluded without the ministers of Interior and Finance permissions.

Article-65-

The local popular council in the governorate can, after getting the permission from the ministers of Interior and Finance, specifies the fees collected in reward for offering the local services like the fees of entering the parks, movies, zoos, lands partitioning and other kinds of fees.

Article-66-

The accounts of the authorities included in the provisions of this law are subjected to the monitoring and auditing of the Supreme Financial Audit Diwan.

## Fourth Part
## Work Course in Councils

Article-67-

The head of the administrative unit is the head of the local popular council.

Article-68-

The head of the administrative unit convokes the local popular council to meet during a period not exceeding 15 days from the date of announcing the electoral results.

Article-69-

The local popular council holds its first session under the presidency of the head of the administrative unit, and both the president and the members take the following oath before the council: ((I swear in the name of Allah, my honor and my belief to respect the constitution, sponsor the interests of people, safe guard the integrity, oneness and the sovereignty of my country and respect the laws and keep the honor of responsibility faithfully and keep the achievements of 17-30 July revolution and its gains and to work on maintaining its course towards its central goals in Unity, freedom and socialism and to work on consolidating the meanings of these goals among citizens through my work and service with them.

Article-70-

The council elects in its first session, by a secret ballot, a president deputy, among its elected members, to replace the president, in the case of his absence, in chairing the sessions of the council.

Article-71-

The period of the Local Popular Council is three years beginning from the date of announcing the results of the election.

Article-72-

The council is held by a call from the head of the council, at least once every 15 days.

Article-73-

The Local Popular Council can form permanent or interim committees from among its members to undertake the tasks assigned to them by the council.

Article-74-

The Local Popular Council is to have a full- time secretary to discharge the following:

(1) Administering the council headquarter affaires.
(2) Organizing the council meeting and its agenda.
(3) Informing and pursuing the authorities concerned of the decisions and recommendations made by the council.
(4) Organizing the minutes of the council sessions and writing down its decisions and recommendations.
(5) Organizing the council correspondences.
(6) Receiving the proposals and the complaints from the citizens and showing them to the council.
(7) What other things the council entrusts him to do

Article-75-

(1) The council can appoint a number of employees permanently or temporarily in order to carry out the business of council headquarter
(2) The council determines the payments and the allowances of the secretary of the council and the employees in its head quarter, and these expenditures and other expenditures of the council headquarter are paid from the budget of the municipality.

Article-76-

When the council is dissolved or its period is expired the permanent members of the council, until a new council is formed, undertake the practicing of the specialties of the council municipality business mentioned in the article (47) of this law.

Neither the permanent members nor the head of the administrative unit or its employees are entitled to revoke, modify or freeze the decisions and procedures that the previous council adopted according to its authorities and specialties.

Article-77-

A general conference is held for the Local Popular Councils in the governorate, by a call from the governor and under his presidency, every year or as necessary, to discuss the common problems and exchange expertise and experiences and find out the ways of developing their work.

Article-78-

Any other issues, concerned with the course of the Local Popular Councils business, are defined by a system proposed by the Minister of Interior and issued by the President of the Republic.

## Fifth Part
## Councils in Baghdad

### First Chapter
### Councils in Baghdad City

Article-79-

In every district located within the basic design of Baghdad city, a local popular council is established and its permanent members are as follow:

(1) A mayor
(2) A director general of the municipality in the City Hall working within the administrative borders of the district.
(3) A representative of the Ministry of Education with a D.G degree.
(4) A representative of the Ministry of Health with a D.G degree.
(5) A representative of the Ministry of Transport and Communication with a D.G degree.
(6) A police director of the justice.
(7) A representative of the General Establishment of Electricity with a D.G degree.
(8) A representative of the Water Office in the City Hall with a D.G degree.
(9) A representative of the Sewage Office in the City Hall with a D.G degree.

Article-80-

If the administrative borders of the district in Baghdad city imply more than one municipality office, according to the law of the City Hall, all director generals of the municipal offices working within the administrative borders of the district will be members in the justice council.

Article-81-

In Baghdad city, a local popular council is established and the permanent members in it will be as follows:

(1) The head of the council is appointed by the President of the Republic by a republican decree.
(2) The director of Baghdad .
(3) The governor of Baghdad.
(4) The technical deputy of the City Hall.
(5) The administrative deputy of the City Hall.
(6) The municipal deputy of the City Hall.
(7) A representative of the Ministry of Education, with a ministry- deputy degree.
(8) A representative of the Ministry of Higher Education and Scientific Research, with a ministry- deputy degree.
(9) A representative of the Ministry of Health, with a ministry- deputy degree.
(10) A representative of the Ministry of Finance, with a ministry- deputy degree.
(11) A representative of the Ministry of Transport and Communications, with a ministry- deputy degree.
(12) A representative of the Ministry of Trade, with a ministry- deputy degree.
(13) A representative of the Ministry of Work and Social Affairs, with a ministry- deputy degree.
(14) A representative of the Ministry of Religious Affairs, with a ministry- deputy degree.
(15) A representative of the Ministry of Culture and Information for the Culture, Arts and Heritage Affairs, with a ministry- deputy degree.
(16) The chief of the Tourism Commission.
(17) The Governor deputy
(18) The Governor assistant
(19) The police director of Baghdad- Rusafa
(20) The police director of Baghdad- Karkh
(21) The director general of electricity in Baghdad
(22) The director general of water office in the City Hall.
(23) The director general of the Sewage office in the City Hall.

Article -82-

(1) the President of the Republic specifies the number of the elected members in the local popular council of Baghdad.
(2) Each one of Baghdad districts has an equal number of representatives in the local popular council in Baghdad city.

(3) The representatives of districts are usually elected from the resident people living in this district.

Article -83-

The Baghdad administrator and Baghdad governor are deputies of the head of the local popular council in Baghdad city and the council elects, in its first session by secret ballot, two other deputies for the head among its elected members.

Article -84-

The local popular council in Baghdad has the right to entitle Baghdad Administrator some of its authorities in the municipal affairs. Baghdad Administrator can entitle the deputies and the director generals part of these authorities

## Chapter Two

## The Councils Outside Baghdad City

Article -85-

The sub-district, located outside the boundaries of the basic design of Baghdad city, belonging to a district, located within these boundaries, can have a local popular council which can form and practice its authorities according to the provisions of this law, and the head of this council and his deputy are members in the local popular council in the district.

Article -86-

(1) The districts and the sub-districts, belonging to Baghdad and which are located outside the basic design of Baghdad, have local popular councils that can form and practice their authorities according to the provisions of this law.
(2) A commission is formed and headed by the governor and the membership of the heads of the local popular councils, in the districts indicated in the item (1) of this article, and their deputies plus a member chosen by the local popular council in the district from among the elected members. This commission undertakes the specializations of the local popular council in the province enshrined in the article ( 56 ) of this law.

# Part Six

## General and Final Provisions

### Chapter One
### General Provisions

Article -87-

The member of the local popular council has no right to attend the session which discusses any topic of a personal utility related to him or to his relatives up to the second degree.

Article -88-

Monthly rewards are specified, by a republican decree, for the members of the local popular councils and the Ministry of Finance undertakes paying these rewards.

Article -89-

In the case of dissolving the local popular council for the violating of the duties legally indicated, the members of the council are barred from nominating again to the membership of the council, except who gets the President of the Republic approval to nominate to the local popular council in the province or in Baghdad city.

Article -92-

The texts of this law applies to the local popular council in the provinces of the Autonomy region taking into consideration the provisions of the autonomy law in Kurdistan region no. 33 in 1974.

Article -93-

The texts of this law applies to the local popular council in Baghdad taking into consideration the provisions indicated in the fifth part of this law.

Article -94-

(1) The local popular councils in the districts, located within the boundaries of the basic design of Baghdad city, do not practice the specializations

indicated in article no. 60 of this law and the local popular council in Baghdad undertakes practicing these specializations.

(2) The local popular council in Baghdad undertakes, excluding the local popular councils of the districts located within the basic design of Baghdad, practicing the specializations regarding the basic design of Baghdad city.

Article -95-

Taking into consideration the provisions of the article (77) of this law, the annual conference of the local popular councils is held by an invitation from the head of the local popular council in Baghdad and under his presidency.

Article -96-

The President of the Republic has the right to dissolve the local popular council in Baghdad by a presidential decree, in the case of losing the majority of its elected members or when violating his duties indicated in the law. The election is conducted to choose the elected members of the new council according to the provisions of this law, with considering the provisions in part three of the article no. 91 of this law.

Article -97-

The President can decide to adjourn the elections of the local popular council in one administrative unit or more, if some circumstances cropped up and prevented carrying out the elections until the normal circumstances revert back.

## Chapter Two

## Final Provisions

Article -98-

On forming the local popular councils in the administrative units, The municipal councils are revoked and their rights and obligations are transferred to the municipalities practicing, what do not conflict with the provisions of this law, the municipality functions enshrined in the law of municipality management of the number(165)-1964.

Article -99-

On forming the local popular council of Baghdad city, the City Hall Board enshrined in the law of municipality management and the law of the City Hall numbered (16)-1995, is revoked and all its rights and obligations are transferred to the City hall practicing, what do not conflict with the provisions of this law, municipality functions enshrined in the law of municipality management.

Article -100-

The local popular councils practice the specializations granted to the popular council, according to the valid legislations, and in a way that do not run counter with the provisions of this law.

Article -101-

The Minister of Interior has the authority to issue the necessary instructions to facilitate implementing the provisions of this law.

Article -102-

This law comes into effect after 60 days from the date of publishing it in the official newspaper.

Written in Baghdad in Rajab, 28th 1416,
accordant with December, 20th 1995
Saddam Hussein
President of Republic

**The Pressing Reasons**

Responding to the requirements of the new historical stage, represented by the expansion of the popular participation basis, via the representatives of the people in the power and developing the course of the revolution, through which the people proved the higher standards of awareness, steadiness, shouldering responsibility and creation, during the glorious Quadysia battle and the eternal Um Al Ma'arik battle and on the day of the Big Creep, and achieving to what has been mentioned in the decisions issued out of the two regional conferences no. 9 and 10 ( the Conference of the Building and Struggle )of Arab Ba'ath Socialist Party, and harmonizing with the method of the leadership to clear the way broadly to the people to participate directly to serve the country and to firm up its sovereignty, independence and its national unity and the active contribution to build and develop the society, on the basis of the principle of self-governed people , the leadership decided to establish the local popular councils consisting of the members, elected by the people directly, and the employees, concerned with the public services, to work together on, in a responsible manner, via dialogue, mutual interaction and opinions and expertise exchange, raising the standard of services in the administrative units, securing the interests of citizens, their security and developing the economic, architectural, health, cultural and social activities and other activities related to the people's life, in a frame that achieves coordination and integration among different official authorities working in the field of services and other activities related to the people's life and among its elected members and encourage and organize the initiatives of citizens and their creative abilities in developing the public services. In view of creating this new organization it became natural to revoke other previous councils such as the councils of municipalities, councils of governorates, and the councils of people. For the particularity of Baghdad governorate and Baghdad city, a special part was assigned to it to organize the formations of the local popular councils in them. To achieve this, this law has been enacted.